

**NORTH CAROLINA CRIMINAL JUSTICE
EDUCATION AND TRAINING STANDARDS COMMISSION**

MINUTES

DATE: February 16, 2018

TIME: 9:00 A.M.

LOCATION: Wake Technical Community College - Public Safety Education Campus
Raleigh, North Carolina

SUBMITTED BY: Steven G. Combs
Director

MEMBERS PRESENT

Chief Chris Blue
Captain Marianne Bond
Ms. Tasha Jones Butts
Sergeant Randy Byrd
Mr. Eddie Caldwell
Ms. Leslie Cooley Dismukes
Mr. David Dail
Mr. Richard Epley
Captain Lee Farnsworth
Mr. James Fisher-Davis
Ms. Stephanie Freeman
Ms. Jane Gilchrist
Chief Robert Hassell
Chief Tim Hayworth
Mr. Brent Herron
Chief Bill Hollingsed
Deputy Chief Brian James
Mr. Steve Johnson
Mayor Bobby Kilgore
Chief Tim Ledford
Chief Jeff McCracken
Colonel Glenn McNeill
Mr. Nathan Mizell
Chief Ron Parrish
Mr. Trey Robison
Sergeant David Rose
Director Bob Schurmeier
Mr. Michael Slagle
Mr. Jeff Welty
Ms. Angela Williams

MEMBERS ABSENT

Ms. Teresa Jardon
Ms. Tracy McPherson
Mr. Kenneth Mullen

I. CALL TO ORDER

Commission Chairman Bill Hollingsed called the meeting to order. Ms. Donna Byrd, Clerk to the Commission, administered the Oath of Office to new members: Ms. Leslie Cooley Dismukes, Criminal Bureau Chief with the North Carolina Department of Justice, appointed by Attorney General Josh Stein and Chief Jeff McCracken with the UNC-Chapel Hill Police Department, representing the North Carolina Police Executives Association. Following the roll call, Commission Chairman Hollingsed declared that a quorum was present and welcomed all visitors to the Commission meeting. Commission Chairman Hollingsed read the Ethics Responsibility into the minutes.

Commission Chairman Hollingsed welcomed Mr. Seth Dearmin, Chief of Staff and Mr. Bradford Sneed, Legislative Liaison to Attorney General Josh Stein. He gave a warm welcome to Diane Konopka, Director and Sirena Jones, Deputy Director of the Sheriffs' Standards Division.

Commission Chairman Hollingsed personally thanked Ms. Joleigh Kelley and Mr. Jon Gregory for hosting the Commission at the Wake Technical Community College Public Safety Education Campus.

II. PRESENTATION OF RESOLUTIONS OF APPRECIATION

MOTION was made by Commissioner Brent Herron to approve the Resolutions of Appreciation for former Commissioners Robin Pendergraft and James Moore; seconded by Commissioner Steve Johnson. The MOTION carried unanimously.

Chairman Hollingsed presented a Resolution of Appreciation to former Chief James Moore of the Rocky Mount Police Department and Ms. Robin Pendergraft, Senior Deputy Attorney General of the North Carolina Department of Justice. He proceeded to read the Resolutions of Appreciation into the minutes.

III. AWARDING OF ADVANCED CERTIFICATES [Agenda Memorandum No. 01-18]

Commission Chairman Hollingsed reported that staff had evaluated the applications of all one hundred and twenty (120) candidates. There were one hundred and five (105) candidates for the Advanced Law Enforcement Certificate and fifteen (15) candidates for the Advanced Criminal Justice Certificate. He noted that each of these applicants had met the requirements to receive the Advanced Certificate and the Advanced Certificate pin.

MOTION was made by Commissioner Ron Parrish that the Commission award the Advanced Law Enforcement Certificate or Advanced Criminal Justice Certificate to each named individual. The MOTION was seconded by Commissioner Brian James and carried unanimously.

The following individuals were present to personally receive their Advanced Law Enforcement or Advanced Criminal Justice Certificates:

Treven G. Franks	Elizabeth City Police Department Presented by Commissioner Hollingsed
Jeremy Glass	Fayetteville Police Department Presented by Commissioner Hollingsed
Ryan Manley	Fayetteville Police Department Presented by Commissioner Hollingsed
Daniel Maurice Smith	Lumberton Police Department Presented by Commissioner Hollingsed
Alan W. Cutler	N.C. State Highway Patrol Presented by Colonel Glenn McNeill, Jr.
Jim C. Goins, III	N.C. State Highway Patrol Presented by Colonel McNeill, Jr.
David J. Hare	N.C. State Highway Patrol Presented by Colonel McNeill, Jr.
Robert O. Melby	N.C. State Highway Patrol Presented by Colonel McNeill, Jr.
Tyre C. Needham	N.C. State Highway Patrol Presented by Colonel McNeill, Jr.
Mark A. Peaden	N.C. State Highway Patrol

	Presented by Colonel McNeill, Jr.
Joe A. Starling	N.C. State Highway Patrol Presented by Colonel McNeill, Jr.
Bradley D. Sudduth	N.C. State Highway Patrol Presented by Colonel McNeill, Jr.
Steven B. Wilson	N.C. State Highway Patrol Presented by Colonel McNeill, Jr.
Keith Lawrence Kitcher	N.C. State University Police Department Presented by Chief Jack Moorman and David Klay
Richard Eugene Graham, Jr.	N.C. State University Police Department Presented by Chief Moorman
James H. Alexander	Newport Police Department Presented by Chief Jeff T. Clark
Thomas E. Smith, III	Oakboro Police Department Presented by Commissioner Hollingsed
Gary Lenn Davis, Jr.	Pitt Community College Campus Police Presented by Commissioner Hollingsed
Daniel S. Pigage	RDU Airport Police Presented by Lieutenant Jonathan Helsius
Heather R. Burch	UNC Charlotte Police Department Presented by Chief Jeffrey Baker
Elton E. Rogers	N.C. Department of Public Safety/Division of Adult Correction and Juvenile Justice Presented by Mr. Timothy McKoy, Mrs. Denise Sherrod, and Mrs. Florence Jones, Lieutenant Richard Perry, Commissioners Stephanie Freeman and Michael Slagle
Shelton E. Rogers	N.C. Department of Public Safety/Division of Adult Correction and Juvenile Justice Presented by Mr. McKoy, Mrs. Sherrod, Mrs. Jones, Lieutenant Perry, Commissioners Freeman and Slagle
Dennis R. Neuhoff	N.C. Department of Public Safety/Division of Adult Correction and Juvenile Justice Presented by Commissioners Freeman and Slagle
Michele L. Hughes	N.C. Department of Public Safety/Division of Adult Correction and Juvenile Justice Presented by Commissioners Freeman and Slagle
Reginald Paul	Winston Salem Police Department Presented by Commissioner Hollingsed

IV. MINUTES OF NOVEMBER 17, 2017 MEETING

Commission Chairman Hollingsed entertained a motion to approve the minutes of the previous Commission meeting.

MOTION was made by Commissioner Robert Hassell that the Commission approve the minutes of the November 17, 2017 meeting as mailed. The MOTION was seconded by Commissioner Bobby Kilgore and carried unanimously.

Commission Chairman Hollingsed entertained a motion to nominate a chairperson for the Education and Training Committee.

Commissioner Chris Blue nominated Steve Johnson, Chairman of the Education and Training Committee and Commissioner Lee Farnsworth seconded the motion. Commissioner David Rose nominated Stephanie Freeman, Chairperson of the Education and Training Committee and Commissioner Angela Williams seconded that motion. After a ballot was completed, Stephanie Freeman was elected Chairperson of the Education and Training Committee. The MOTION was 16-12.

V. STANDING COMMITTEE REPORTS

A. Executive Committee - Chairman Eddie Caldwell

Chairman Caldwell stated that the Executive Committee discussed a number of issues but there was nothing to report at the present time.

Chairman Caldwell asked Director Steven Combs to give an update on the Criminal Justice Standards Division. A copy of his written report is attached.

Chairman Caldwell asked Director Trevor Allen to give an update on the Justice Academy. A copy of his written report is attached.

B. Education and Training Committee – Chairperson Stephanie Freeman

Chairperson Freeman reported that the Education and Training Committee met on Wednesday, February 14, 2018 at Wake Technical Community College, Raleigh, North Carolina.

Chairperson Freeman reported that on behalf of the North Carolina Justice Academy, Perry Harris presented rule changes for 12 NCAC 09B .0209 – Criminal Justice Instructor Training and 12 NCAC 09G .0414 – Instructor Training.

MOTION was made by Commissioner Freeman that the Commission authorize the Planning and Standards Committee to conduct a rule making hearing to amend 12 NCAC 09B .0209 – Criminal Justice Instructor Training as follows: Modify the language in paragraph (c), subparagraph (9) as follows: Change the hours from “5” to “3”. Modify the language in paragraph (c), subparagraph (11) as follows: Change the title to reflect “The Evaluation Process of Learning.” Modify the language in paragraph (c), subparagraph (13) as follows: Change the title to reflect “8-Minute Introduction and Video Critique.” Modify the language in paragraph (c), subparagraph (14) as follows: Change the time of the first and second presentation from “30” to “35” minutes and change the hours for each from “5” to “6”; seconded by Commissioner Farnsworth. The MOTION carried.

MOTION was made by Commissioner Freeman that the Commission authorize the Planning and Standards Committee to conduct a rule making hearing to amend 12 NCAC 09G .0414 – Instructor Training as follows: Modify the language in paragraph (c), subparagraph (9) as follows: Change the hours from “5” to “3”; Modify the language in paragraph (c), subparagraph (13) as follows: Change the title to reflect “8-Minute Introduction and Video Critique”; Modify the language in paragraph (c), subparagraph (14) as follows: Change the time of the first and second presentation from “30” to “35” minutes and change the hours for each from “5” to “6”; seconded by Commissioner Herron. The MOTON carried.

Chairperson Freeman reported that on behalf of the North Carolina Community College, Tracy McPherson presented a rule change for 12 NCAC 09B .0203 – Admission of Trainees. The Committee asked that staff review the rule and report at the next meeting in May.

Next, Chairperson Freeman reported that on behalf of the Criminal Justice Standards Division, Director Combs proposed a rule change for 12 NCAC 09B .0406 – Comprehensive Written Examination – Basic Law Enforcement Training.

MOTION was made by Commissioner Freeman that the Commission authorize the Planning and Standards Committee to conduct a rule making hearing to amend 12 NCAC 09B .0406 – Comprehensive Written Examination – Basic Law Enforcement Training as follows: Modify the language in paragraph (a) as follows: Add “granted a medical waiver by the Director of the Criminal Justice Standards Division”; Modify the language in paragraph (e), subparagraph (1) as follows: Update the agency website to reflect: “<http://ncdoj.gov/getdoc/dcb72ee9-fa01-4664-a7a-ef33ac0941ee/Exam-Admission-Form-F-23-4-19-17.aspx>”; Change paragraph (f) to read as follows: “A trainee who sustains injury prior to the final POPAT attempt and achieved a passing score on the last attempt and meeting the prerequisites specified in 12 NCAC 09B .0405, with the exception of the final POPAT, may request from the Director of the Criminal Justice Standards Division a medical waiver to take the comprehensive written examination. The request shall consist of a memorandum from the School Director justifying a medical waiver. Providing copies of the last POPAT assessment, medical documentation from a surgeon, physician, physician assistant, or nurse practitioner showing the diagnosis of the injury and the estimated medical release date. The School Director shall submit the medical waiver approval with the comprehensive examination admission form. The trainee must complete the final POPAT attempt within 120 calendar days of the original State written examination date”; Move the language currently listed in paragraph (f) to a new paragraph labeled “g”; seconded by Commissioner Steve Johnson. The MOTION carried.

Chairperson Freeman reported that on behalf of the Joint In-Service Training Committee, Bill DuBois with the North Carolina Justice Academy presented the approved recommended training objectives for the 2019 In-Service Training Topics. The Committee met and finalized and approved the training objectives. The Education and Training Committee approved the training objectives as presented.

Chairperson Freeman stated that Mr. Harris reported the new Instructor Training curriculum pilot training process was completed and requested to emerge from pilot. The Committee approved.

Chairperson Freeman reported that Director Steven Combs presented a proposal requesting training approved by the National Certification Program (NCP) via the International Association of Directors of Law Enforcement Standards and Training (IADLEST) be accepted as North Carolina Mandatory In-Service Training – Chiefs Choice. The Committee asked staff to review and present their findings at a future meeting.

Next, Chairperson Freeman reported that Deputy Director Michelle Schilling with the Criminal Justice Standards Division recommended on behalf of the School Accreditation Subcommittee, reaccreditation for James Sprunt Community College – BLET & SMI. The Committee approved.

Deputy Director Schilling provided a compliance update on the approved reaccreditation for Martin Community College – BLET.

Director Combs presented a request regarding reducing the minimum square feet of floor space per trainee as required by the Basic Law Enforcement Training (BLET) Course Management Guide.

Director Combs stated that he would bring before the BLET Revision Committee to study and make any recommendations.

Lastly, Chairperson Freeman stated that Deputy Director Schilling reported that as of December 31, 2017, 169 General Instructors had not completed the required training. These 169 instructors are now required to teach 8 hours of instruction and complete the one-hour online renewal training course prior to March 1, 2018, in order to maintain their Instructor Certification.

C. Planning and Standards Committee – Chairman Jeff Welty

Chairman Welty reported that the Planning and Standards Committee met on February 14, 2018 at Wake Technical Community College Public Safety Center.

Chairman Welty reported that the minutes of the November meeting were approved as written.

Chairman Welty reported that the Committee welcomed a new Commission member, Ms. Leslie Cooley Dismukes.

Next, Chairman Welty reported that the Committee conducted a rule making hearing for the following rule amendments: 12 NCAC 09B .0101 – Minimum Standard for Criminal Justice Officers; 12 NCAC 09B .0104 – Medical Examination and 12 NCAC 09C .0306 – Lateral Transfer of Law Enforcement Officers.

MOTION was made by Commissioner Welty that the Commission approve the rule amendments to 12 NCAC 09B .0101 – Minimum Standard for Criminal Justice Officers; 12 NCAC 09B .0104 – Medical Examination and 12 NCAC 09C .0306 – Lateral Transfer of Law Enforcement Officers (amended to include physician assistants and nurse practitioners as medical professionals who are approved to administer physical examinations; committee approved change with the addition of the word “or” after physician assistant and before nurse practitioner); seconded by Commissioner Herron. The MOTION carried.

Chairman Welty proposed amendments to Rule 12 NCAC 09B .0106 – Documentation of Educational Requirements; 12 NCAC 09B .0203 – Admission of Trainees and 12 NCAC 09G .0204 – Education.

MOTION was made by Commissioner Welty that the Commission approve the rule amendments to 12 NCAC 09B .0106 – Documentation of Educational Requirements; 12 NCAC 09B .0203 – Admission of Trainees and 12 NCAC 09G .0204 – Education (amended to allow correspondence/distance high school diplomas except if issued by a diploma mill, defined by the North Carolina Community College system as an institution that charges a fee and requires little or no coursework); seconded by Commissioner Johnson. The MOTION carried.

Chairman Welty proposed amendment to Rule 12 NCAC 09B .0204 – Training Course Enrollment.

MOTION was made by Commissioner Welty that the Commission approve the rule amendment to 12 NCAC 09B .0204 – Training Course Enrollment (increases allowance to 18 trainees in the presentation of the Criminal Justice Instructor Training Course); seconded by Commissioner Hassell. The MOTION carried.

Chairman Welty proposed amendment to Rule 12 NCAC 09B .0205 – Basic Law Enforcement Training.

MOTION was made by Commissioner Welty that the Commission approve the rule amendments to 12 NCAC 09B .0205 – Basic Law Enforcement Training (reorganization of BLET topics moving “Controlled Substance” into the Legal Unit and moving “Preparing for & Testifying in Court” into the Communication Unit); seconded by Commissioner Hassell. The MOTION carried.

Chairman Welty proposed amendment to Rule 12 NCAC 09B .0209 – Criminal Justice Instructor Training and Rule 12 NCAC 09G .0414 – Instructor Training.

MOTION was made by Commissioner Welty that the Commission approve the rule amendments to 12 NCAC 09B .0209 – Criminal Justice Instructor Training and 12 NCAC 09G .0414 – Instructor Training; (changes to the Criminal Justice Instructor Training curriculum adjusting topic hours and modifying topics titles); seconded by Commissioner Richard Epley. The MOTION carried.

Chairman Welty proposed amendment to Rule 12 NCAC 09E .0106 – Annual In-Service Firearms Qualification Specifications.

MOTION was made by Commissioner Welty that the Commission approve the rule amendments to Rule 12 NCAC 09E .0106 – Annual In-Service Firearms Qualification Specifications (grammatical correction substituting “and” for “thru” as needed and adding requirement regarding qualification when an officer’s duty firearm is replaced); seconded by Commissioner Lee Farnsworth. The MOTION carried 19-9.

Chairman Welty proposed amendment to Rule 12 NCAC 09F .0105 – Instructor Responsibilities and Rule 12 NCAC 09F .0106 – Sanctions.

MOTION was made by Commissioner Welty that the Commission approve the rule amendments to 12 NCAC 09F .0105 – Instructor Responsibilities and 12 NCAC 09F .0106 – Sanctions (amendments to require Concealed Carry Handgun Instructors to have valid certification at time of teaching); seconded by Commissioner Hassell. The MOTION carried.

Chairman Welty reported that a survey was launched in mid-January as a part of the development of the 9th Edition System Plan. This survey was forward to law enforcement, N.C. Department of Public Safety/Division of Adult Correction and Juvenile Justice and local confinement professionals resulting in 2,235 criminal justice representatives responding. Due to the low response rate, staff has been asked to recirculate and give their findings in the near future.

Lastly, Chairman Welty reported that the Planning and Standards Committee reviewed 48 administrative rules, 27 of these were reclassified. There was consideration as to whether the Commission received or reasonably expected an objection to any rule. According to the Committee’s findings, 48 rules were categorized as necessary without substantive public interest. After the Planning and Standards Committee completes the review, the Commission will be asked to approve these rules.

Probable Cause Committee – Chairman Tim Hayworth

Chairman Hayworth reported that the Probable Cause Committee met on Wednesday, February 14th and Thursday, February 15, 2018 at Wake Technical Community College, Raleigh, North Carolina.

Chairman Hayworth reported that the minutes of November 15th and November 16, 2017 were approved as presented.

Chairman Hayworth reported that four officers were certified after having committed a criminal offense by the Criminal Justice Standards Division.

Chairman Hayworth reported that on Wednesday, February 14, 2018, twelve (12) officers/applicants were on the agenda with a total of fifteen (15) alleged violations of the administrative code. One case consisting of one allegation was continued. No probable cause was found against eight (8) officers/applicants involving eight (8) allegations. Probable cause was found in the case of three (3) officers/applicants involving six (6) violations.

Chairman Hayworth reported that on Thursday, February 15th, there were fourteen (14) officers/applicants on the agenda with a total of twenty-nine (29) alleged violations of the Administrative Code. Two cases consisting of two allegations were continued. No Probable Cause was found in seven (7) officers involving twenty-two (22) alleged violations. Probable Cause was found in the case of four (4) officers/applicants involving four (4) alleged violations. Probable Cause was found against one (1) officer/applicant involving one (1) alleged violation with the offer of a lesser sanction of a written reprimand.

MOTION was made by Commissioner Hayworth that the Commission accept the lesser sanction of agreement for Memorandum Number 18/022; seconded by Commissioner James. The MOTION carried unanimously.

VI. OTHER BUSINESS

None

VII. OLD BUSINESS

None

VIII. DATE OF NEXT MEETING

Commission Chairman Hollingsed advised that the next Commission meeting is scheduled for May 16-18, 2018 at the Wake Technical Community College, Public Safety Education Campus in Raleigh, NC.

IX. MOTION TO ADJOURN

MOTION was made by Commissioner Randy Byrd that the Commission adjourn; seconded by Commissioner Johnson. The MOTION carried unanimously.